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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,139	12/07/2006	David J. Ross	CAF-35502/03	4935
25/06 7590 05/15/2009 GIFTORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C PO BOX 7021 TROY, MI 48007-7021				
EXAMINER DENTER, CLARK F				
ART UNIT		PAPER NUMBER		
3724				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/599,139

**Applicant(s)**

ROSS ET AL.

**Examiner**

Clark F. Dexter

**Art Unit**

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-41 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF 298)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 2-4, drawn to a cast-cutter with a specific cutting member configuration.

Group II, claims 5-12 and 15-20, drawn to a cast-cutter with a specific cutting blade assembly configuration.

Group III, claims 13-14, drawn to a cast-cutter with a specific cutting assembly attachment configuration.

Group IV, claims 21-28, drawn to a cast-cutter with a specific blade drive configuration.

Group V, claims 27-30, drawn to a cast-cutter with control circuitry.

Group VI, claims 27, 28, 31-33, drawn to a cast-cutter with a braking means.

Group VII, claim 34, drawn to a cast-cutter with visual signal means.

Group VIII, claims 35-38, 41, drawn to a cast-cutter with a specific switch configuration.

Group IX, claim 39, drawn to a cast-cutter with a safety guard.

2. Claim 1 links inventions I-IX. The restriction requirement of the linked inventions is **subject to** the nonallowance of the linking claim(s), claim 1. Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions

**shall be withdrawn** and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104. **Claims that require all the limitations of an allowable linking claim** will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312.

3. Claim 40 will be examined with the elected Group.
4. Applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, the allowable linking claim, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.
5. The inventions are distinct, each from the other because of the following reasons:
6. The inventions listed as Groups I-IX do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group I requires the special technical feature of a specific cutting member configuration that is not required for Groups II-IX.

Group II requires the special technical feature of a specific cutting blade assembly configuration that is not required for Groups I and III-IX.

Group III requires the special technical feature of a specific cutting assembly attachment configuration that is not required for Groups I, II and IV-IX.

Group IV requires the special technical feature of a specific blade drive configuration that is not required for Groups I-III and V-IX.

Group V requires the special technical feature of a control circuitry that is not required for Groups I-IV and VI-IX.

Group VI requires the special technical feature of a braking means that is not required for Groups I-V and VII-IX.

Group VII requires the special technical feature of a visual signal means that is not required for Groups I-VI, VIII and IX.

Group VIII requires the special technical feature of a specific switch configuration that is not required for Groups I-VII and IX.

Group IX requires the special technical feature of a safety guard that is not required for Groups I-VIII.

### ***Species Election***

7. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

**Regarding Group II:**

Species IIA - Figure 3;  
Species IIB - Figure 8-9;  
Species IIC - Figure 10-11;  
Species IID - Figure 12-13;  
Species IIE - Figure 14-15;  
Species IIF - Figure 16-17;  
Species IIG - Figure 18-20;  
Species IIH - Figure 21-22;  
Species IIJ - Figure 23-25;  
Species IIK - Figure 26;  
Species IIL - Figure 40-42;  
Species IIM - Figures 43-45.

**Regarding Group IV:**

Species IVA- Figure 27;  
Species IVB- Figure 28;  
Species IVC- Figures 29-30;  
Species IVD- Figure 31-32.

**Upon election of one of Groups II or IV**, applicant is required, in reply to this action, to elect a single corresponding species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

8. The claims are deemed to correspond to the species listed above in the following manner:

Regarding Group II (claims 5-12, 15-20):

Species IIA - Figure 3:	claims 5-12, 15-17, 20;
Species IIB - Figure 8-9:	claims 5-12, 15-17, 20;
Species IIC - Figure 10-11:	claims 5-12, 15-17, 20;
Species IID - Figure 12-13:	claims 5-12, 15, 16, 18, 20;
Species IIE - Figure 14-15:	claims 5-12, 15, 20;
Species IIF - Figure 16-17:	claims 5-10, 15, 20;
Species IIG - Figure 18-20:	claims 5-8, 10-12, 15-17, 20;
Species IIH - Figure 21-22:	claims 5-12, 15-17, 20;
Species IIJ - Figure 23-25:	claims 5-12, 15-17, 20;
Species IIK - Figure 26:	claims 5-12, 15, 20;
Species IIL - Figure 40-42:	claims 5, 9, 15, 20;
Species IIM - Figures 43-45:	claims 5, 9, 15, 20.

Regarding Group IV (claims 21-28):

Species IVA- Figure 27:	claims 21, 2, 24, 27-28;
Species IVB- Figure 28:	claims 21, 2, 24, 27-28;
Species IVC- Figures 29-30:	claims 21, 2, 24, 27-28;
Species IVD- Figure 31-32:	claims 21, 2, 24, 27-28.

The following claim(s) are generic: At least claims 1 and 40 as well as claims not listed in every corresponding species above.

9. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

Each species is directed to a corresponding figure or figures as described above, and each figure differs in configuration from the other listed figures as described in the corresponding detailed description of the present specification.

10. Because this Lack of Unity requirement is considered to be complex, a telephone call was not made to request an oral election to the above restriction requirement.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

11. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).



12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/  
Primary Examiner, Art Unit 3724**

cfd  
May 14, 2009